

STEAM VS. ELECTRIC ROADS.

A NOTABLE HEARING BY THE RAILROAD COMMITTEE.

An Address by Hon. Lynde Harrison—Action on the Oyster Police Bill—Many Other Matters of Interest.

Hartford, April 11.—There was an interesting hearing in the hall of the house of representatives this afternoon before the committee on humane institutions (Representative Newton of New Haven chairman) on the bill continued from the last general assembly providing for a state reformatory. The bill provides that common drunkards, tramps and persons convicted of petty crimes, upon their conviction, shall be sent to such an institution for a term not exceeding three years and they may be liberated before the expiration of such term in the manner provided in the bill.

Rev. Mr. McCook conducted the hearing and made an earnest plea in behalf of the bill, as did Prof. W. H. Brewer of New Haven.

Judge Nathaniel Shipman also spoke in favor of the bill. He said he was in favor of the principle of the bill and hoped to see a reformatory established in the future. It was useless to send tramps and drunkards to jail, which was not a reformatory institution. Neither was the state prison such an institution; it was a place of absolute discipline. But in the present condition of the state finances it did not seem wise to establish a new plant at a considerable cost. He would like to see a commission provided to look into the matter or continue it to the next general assembly.

D. A. Lyman of Willimantic said the need of such an institution was very apparent to every one who had to deal with the criminal classes. After a person had reached the age of sixteen years there was poor chance for reformation in the institutions now existing. He believed a reformatory could be provided for a sum ranging from \$25,000 to \$30,000.

A COPY OF A CELEBRATED HYMN.

David Pell Secor of Bridgeport presented to Governor Coffin to-day a copy of the original draft of "America." The copy was made by the author of the hymn, Rev. S. F. Smith, and is to be the property of the state.

SEVERAL COMMITTEE HEARINGS.

The committee on railroads this morning gave a hearing on the bill chartering the New Haven and Derby electric road. It was favored by Hon. Israel A. Kelsey, one of the chief promoters of the enterprise. The road will run from the terminus of the Congress avenue road in New Haven through Tyler City and Orange Center, and with its equipment will cost about \$200,000. There was a large gathering of representatives of steam and electric railroads at the hearing by the committee. The day had been set apart by the committee for a hearing on various charters of new electric roads or extensions of existing roads to which objection is made that they parallel the steam roads and create a competition which is unequal for because the steam roads already furnish facilities for travel.

Judge Lynde Harrison of New Haven promised the committee last week that he would closely investigate these charters so far as they affected the Consolidated road, and present the facts for their consideration. Several of the roads are in this section. To-day he presented a carefully prepared statement, in which he said:

JUDGE HARRISON'S SPEECH.

Mr. Chairman and Gentlemen of the Railroad Committee:

I wish to present some special objections to sundry proposed new charters, or amendments to existing charters for electric railroads, that are pending before this committee. They are pending before the Bridgeport Traction company, the Waterbury Traction company, the West Shore railway, the Connecticut Traction company, the New York Street Railroad company, the Westport and Saugatuck Horse Railroad company, the Cheshire Traction company, the Middletown Horse Railroad company, the Westport and Saugatuck Railroad company, the Enfield and Long Meadow Electric company, and the Windsor Locks and Suffield company.

These President Hall and Director Robinson of the Consolidated Railroad company and representatives of one or two other railroads have ably and exhaustively discussed the general question of parallelism, and the effect has been shown in a few places of some of the established electric parallels.

The gentlemen who represent the electric railroad interests before you do not seem to have met the precise general issues raised by Judge Hall and the other representatives of the steam railroads, but they have gone into statistics and arguments, most of which do not apply to the direct question before you, which is this:

Will you recommend the passage of these particular resolutions of incorporation, as they are presented by their promoters? There should be a negative answer to this question, unless there is clearly a public need that can only be met by subjecting the public highways to the obstruction and burden of electric tracks, poles, wires and cars.

Whatever evidence or general arguments may be presented to a committee of the superior court upon a complaint that public necessity and convenience require the layout of a certain public highway, the time comes when the committee must examine the pertinent evidence, if any, which has been presented, and address themselves to the precise question whether public interest requires the layout of that particular highway.

It seems to me that your duty in these cases is very similar to that of a superior court committee in a highway case. Such a committee, in the proper performance of its duty, never lays out a public highway merely to gratify the wishes of a few petitioners, to promote the fortunes of a syndicate of land speculators, to make a possible convenient way for a few persons, or to anticipate the possible needs of future generations.

erty interests. In these cases you have the right, and I think it is your duty, to consider the injury to vested property interests, the damage in many cases to adjoining proprietors, and the great interference, especially in the case of roads from town to town, with the use of the public highways by those for whose need and convenience they were originally laid out, and are now maintained. Permit me to call your attention to the doctrine of the courts on this question. Mere convenience does not constitute necessity, but there must be a magnitude of interests to determine that there is a public necessity.

Great Fall Manufacturing Company vs. Fernald, 47 N. H., 44.

The Massachusetts supreme court has held in sundry cases under the fowage and mill acts in Massachusetts, that a great mill power might be a public use, but a small mill power might not. The question of public use or necessity depends on the situation and wants of a community for the time being.

Scudder vs. Trenton, Del., Falls Company, 1st New Jersey Equity, 694.

A case of public necessity is not made out by proof of mere convenience, nor of enhancement of values of property.

Spring Valley Water Works Company vs. San Mateo Water Works Company, 64 California, 123.

There has been some clamor in these electric railroad cases, from persons who speak without knowledge or due investigation, that you should grant nearly all charters that are demanded, upon a mistaken idea that they are needed for what is called suburban development. An investigation of recent volumes of our special acts will show that enough such charters, granted in the last few years, are now in existence, to meet all legitimate demands for either urban or suburban uses for the next twenty years. No committee of our superior court in a highway case has ever laid out a public highway, merely because it was shown that it might develop some suburban lands into building lots.

Before we take up the special petitions or resolutions now before you, let me call your attention to the fact, that in nearly all of them, and in some, without any notice in the petitions, authority is given in the charter resolutions, to take lands, and a right of way over private property in the same manner as steam railroads may take lands, and in some of these charters, no tribunal whatever is provided to pass upon the approval of the taking of the lands, but the corporations themselves are made the sole judges of the right to take them.

The advocates of these charters have in every instance failed to observe the provisions of section 392 of the general statutes, which require, before a franchise can be given to construct a railroad over private property, that maps and plans of the proposed route should be prepared by a competent engineer, together with estimates of the cost, etc., and that these should be laid before the committee of the general assembly. No such evidence has been produced in any of these cases.

It may be said by some one, hastily, that the provisions of section 392 in relation to an engineer's plan, apply only to steam railroads, because the rule of construction laid down on the first page of the general statutes makes the words "railroad company" mean a steam railroad. That rule of construction, however, expressly provides that the words "railroad company" shall be construed to mean railroads operated by steam power, only in those cases where such meaning is not required by the context, or to the manifest intention of the general assembly. The provisions of section 345 of the general statutes show that all railroads operated by any other than animal power, are to be subject in many cases to the same general laws as steam railroads, and the context of section 392 shows that there is one rule of notice and evidence for horse railroads before the general assembly, and another for all other railroads, and that manifestly, the reason for requiring a different rule for steam railroads, applies to any railroad operated by an animal, that is not to be laid out through the public highways.

It should also be remembered that this particular rule of construction in the first chapter of our general statutes was copied therein in 1857, from chapter 110 of the public acts of 1854, and that in both of those years, in the state of Connecticut, there were only two classes of railroads known, to wit, steam railroads and horse railroads in the public streets. Electric roads were not known in 1854. In these charters the right of eminent domain is given without any protection for the land owner. There is no provision for protecting the municipalities against electric roads crossing highways at grade. There is no provision under which the municipal authorities of the town can be heard in relation to the layout.

Most of these proposed charters, or amendments of existing charters, give the right to the corporations to consolidate with any other electric road corporation, and confer upon all electric railroad corporations with which a consolidation is so made, the same power of eminent domain that is conferred in these special charters.

By a remarkable coincidence it suggests the existence of an unknown, but master mind and hand, in these charters, which, while independent as to name, and separate as to corporations, are arranged and granted in a parallel electric road can be constructed from Springfield to Hartford, and from New Haven to New York.

I will hand this committee a special typewritten statement showing in relation to one of these corporations, what proportion of the proposed charters are, in our judgment, proper; and I will briefly state them here for the benefit of the gentlemen representing the electric roads.

Until, and unless, there has been a compliance with the provisions of section 392 of the general statutes, we object to the power of eminent domain being given to any of these corporations. Wherever these resolutions of incorporation give power to occupy the highways or streets of any town generally, without specifying particular streets or routes, and wherever, as in some instances, the streets named were not included in the published notices, there has been a failure to comply with those provisions of section 392 of the general statutes relating to the incorporation of horse railroads or street railroads. In such cases proper notice has not been given to the municipal authorities, or to adjoining proprietors, and therefore in all such cases, such

streets and highways should be erased from the proposed charters.

There has not been evidence from people of the several localities to show that franchises are needed, or should be given, to construct, in the public highways, or anywhere else, railroads from Norwich to Westport, from Westport to Green's Farms, from Green's Farms to Southport, from Stratford to Milford, from Milford to Woodmont, from Thomaston to Watertown, from Hamden to Southington, through the town of Cheshire, from Middletown to Cromwell, from Middletown to Meriden, from Middletown to Middletown or Durham, from Suffield to Windsor Locks, from Windsor Locks to Windsor, from Enfield to East Windsor, Windsor Locks and South Windsor.

Not a witness has been produced to complain that the Consolidated road does not furnish between all of these various towns and stations adequate facilities for the transportation of passengers or freight. I am aware that it is claimed by counsel for some of these proposed roads that because sundry statistics have been produced showing a large increase in travel in some cases where a parallel electric road has been constructed, therefore parallel electric anywhere will show a large increase of travel, and therefore a public need may be inferred by this committee, in the absence of all other evidence. The statistics they have produced, however, were taken from localities where there was a legitimate demand for a growing suburban travel between places having in the aggregate a great deal of construction. By the same line of argument it might with equal force be urged that because the statistics show a large passenger business over the steam railroad from New Haven to Greenwich a new steam railroad is needed and should be chartered from Barkhamsted to Killingworth.

Counsel for the electric parallels say their roads cannot be constructed and operated successfully over the highways for a distance as great as from ten to fifteen or twenty miles, and that they would not produce any profit, nor could they be used to public advantage for such distances; and they say they only want these roads for local demands and travel—purely for local passenger traffic.

If we take them at their word and consider the population and local condition in the territory they now seek to connect, we find there is no local travel, and there cannot be. There is no population or business in these localities to make any local travel. You could make no more local travel between some of these points they seek to connect than you could between so many cemeteries.

Let me call your attention to the railroad maps in the report of the railroad commissioners and to time tables of the Consolidated road which we lay in. I will hand you a statement I have obtained from the comptroller of the Consolidated railroad of the number of passengers purchasing tickets and paying cash fares between quite a number of the stations I have mentioned. During the six months ending December 31, 1894, an examination of these figures and of the time tables will show that during these six months, between Thompsonville and Enfield Bridge, Thompsonville and Warehouse Point, Thompsonville and Windsor Locks, Enfield Bridge and Warehouse Point, Enfield Bridge and Windsor Locks, and Warehouse Point and Windsor Locks, there were carried both ways 13,540 passengers. Allowing 150 days upon which trains ran during the six months, this makes the total number of passengers both ways, between all these stations, ninety a day; and as there were fifteen trains running daily between these stations, it makes just an average of six passengers to a train. Nearly all of the travel over this line, however, was between Thompsonville and Windsor Locks, and if those passengers are excluded you will find that there were only twenty-three passengers a day between the other points, or one and one-half passengers to a train.

Between Windsor Locks and Suffield there were carried during the same time, with six trains each way, forty passengers a day, or less than four to a train. Between Woodmont and Milford twenty-two trains were run daily; 1,332 passengers were carried in six months, making nine a day, or less than half a person to a train. Between Norwich and Westport twenty-five trains ran daily, and they carried an average of 155 a day, or about six to a train. Between Westport and Green's Farms there were twenty-two trains daily, and the passengers carried averaged six each day, or about one-fourth of a person to a train. Between Green's Farms and Southport there were twenty-two trains daily, and an average of thirteen persons a day, or less than two-thirds of a person to a train. Between Southport and Westport there were twenty-three trains daily, and an average of thirteen persons a day, or about three-sevenths of a person to a train. Between Stratford and Milford there were twenty-three trains daily, and an average of thirty persons a day, or one and one-half persons for each train. From Thomaston to Watertown there were eight trains daily, about two-thirds of a person a day, or one-twelfth of a person to each train.

I have no doubt that an examination of the figures between the other stations affected by the proposed charters would show as small a proportion upon the average as between these which I have selected as fair average statistics between several of the towns and stations where it is urged, without any evidence to sustain the claim, that there is a public demand for the construction of electric roads to accommodate the local travel between these several towns.

Not a witness has been produced to show that these franchises should be granted. I have never known before any legislative cases to be presented upon such flimsy evidence. Assertions by counsel are vehement and plausible, but they are not evidence. Before I close, however, let me call your attention to that which seems to me of great importance for you to consider as legislators acting for the best interests of the state and its people. The legitimate demands of the cities and large villages of the state for rapid suburban traffic over some of the streets will be freely granted. The free use of other streets in these communities, unincumbered by rails and wires, will be carefully guarded by you. The millions of capital locked up forever to furnish rail transportation for the public upon highways constructed and paid for by the investors will, with the vested rights of the stockholders in our railroad corporations, receive your careful consideration.

But as members of the general assembly, you are here to guard the interests of the whole people rather than to grant favors to special classes. In every instance the proposed charters propose to connect town with town, and in every case they propose to use the principal and best, or the only highway, provided for the use of the whole people.

It is the highway used by the farmers to draw their produce to market, and used by them and their families in driving to church, school or post office. It is the highway over which all freight is carried by the local teamsters. It is the highway upon which the people of both city and country drive for pleasure. It is the highway upon which all errands of mercy, charity and necessity are run. It is the highway built and maintained by direct taxes which the people have levied upon themselves in town meeting. It is now one of the highways. You are the tribunal which the sole power to give or withhold corporate franchises over this highway; and you have the power in your hands, and we ask you to exert it for the maintenance of the people's highway, free from danger or obstruction, and secured to the purposes for which it was laid out and constructed.

THE COMMITTEE ON ROADS AND BRIDGES.

Town Counsel Goodhart of New Haven was before the committee on roads, bridges and rivers to advocate the bill which provides that electric roads in the aggregate a great deal of construction and maintenance of town bridges, and that to adopt the bridges for use by electric roads curtailed quite an outlay in strengthening such bridges and it was no more than right that the companies should give something in return for such franchises.

THE OYSTER POLICE BILL AGAIN.

The oyster police bill was passed in the house and then sent to the senate. The members of the house then voted to reconsider it and sent to the senate for it, but before the house could act on it, the senate also sent for the bill, and it was laid on the table. There was quite a tussle in the house over the matter of giving it up, but they finally decided to do so.

Senator Lee of New London, who tabled the bill, gave notice he would call it up to-day and it was made the special order for 12 o'clock.

Senator Little opened up the debate in a vigorous speech against the measure. He said he failed to see any merit in the bill. There had seldom been a bill pending where such a big lobby had been employed. It was class legislation. It was just as feasible for mill owners to ask for state watchmen for the protection of their mills. The oyster business was not of mushroom growth. There is nearly 70,000 acres under cultivation and an investment of \$1,500,000. There is no claim that the business is not a remunerative one. Why should this industry ask for an appropriation to carry it along? The rate of taxation is fixed by law. There is no claim that this taxation is excessive or unjust. Why should other industries be taxed to assist an industry already taxed by the state? The bill is an open invitation to the oyster men to steal from the beds. The oyster men had built up an industry worth \$1,500,000 a year. It was a business that was a great benefit to the state. The committee had been requested to set apart one-half of the oyster tax for police protection, but they thought that the oystermen should be entitled to one-third of the tax for a police.

Senator Lee of New London opposed the bill. Senator Marigold spoke in its favor. He said that when this property was taken by the oystermen it was entirely worthless. When there was a trespass upon a farm, the owner had redress. The oystermen paid taxes to the town upon their equipment for making the oysters and a tax on their real estate and they asked a tax to the state on their oyster grounds. It was almost impossible to detect trespassing on this property, the same as trespassing on the land.

Senator Warner inquired where the fines for this trespassing reverted—whether to the town or the state? Senator Chapman replied that it went to the state.

Senator Douglass had been more importuned to favor this bill than any other before the senate at this session. He wanted to know if the oystermen made their properties valuable for the sake of the people or for their own pockets? There was no difference between this kind of enterprise than the enterprise of manufacturers or other investors. It was just as well to have the state of Connecticut line the Consolidated road with guardsmen to protect its property. He did not believe the state wished to make a precedent at this time in favor of this sort of legislation.

Senator Fuller opposed the bill. He said a committee of the Oyster Growers' association had been called upon to examine the bill and they had agreed that the bill be passed, and they had a right to do that. He was aware that a great deal of money had been invested in the business. His opposition was because of the principles that were underlying the project. If the state should give any protection, it should be adequate protection. The underlying principle in the bill was the police protection of private property. The oystermen asked this protection because they were paying a state tax. Now if there was a state tax on all property as formerly, police protection would just as well apply to farms and mills. If this bill passes and the expenses increase, as they are increasing, there will be a bonus to the treasury from the state of about \$500,000 at the end of the year. It would be just as well to protect the insurance companies, who also pay a state tax. In fact every industry that pays a state tax might just as well ask for police protection. If this is granted, it will be the first time that in a season of peace, the state has granted police protection to private property.

Senator Chandler said he was at first in favor of the bill, but he was opposed to it now. It was evident that to pass such a bill would not only be bad legislation but poor law. Senator Coffey also opposed the bill. Senator Warner said that he believed in the principle of protection. The towns had no jurisdiction over the oyster grounds. They were the property of the state. The tax was paid into the state treasury and the state should assist in protecting this property. The state should clothe someone with power to show to wrong-doers that they must desist from their pilferings.

Senators Marigold and Chapman replied to the opponents of the bill at a considerable length.

Senator Dayton said that he also believed in protection and thought the oystermen needed protection in their enterprises.

Senator Lee moved for an indefinite postponement of the bill, but finally withdrew it.

Senator Coffey offered an amendment to make the state tax 14 per cent., instead of 1 per cent.

Senator Chapman said the increased tax would raise about \$7,000 additional. The amendment was adopted and the bill as amended passed, 13 to 11. The bill will increase the amount of the tax on the oyster beds from \$14,000 to \$13,000, and there will be available for police protection about \$7,000 instead of one-third of \$14,000, as the bill as reported would give.

The senate was crowded with spectators during the debate, which lasted about two hours, several members of the house coming over to listen. It is expected that the bill will elicit an even more spirited debate in the house next week.

The vote on the bill stood as follows: Yeas—Webster, Mix, Dayton, Johnson, Palmer, Lounsbury, Ferris, Marigold, Bernad, Chandler, Warner, Averill and Chapman—13. Nays—Hall, Crosby, Coffey, Birge, Lee, Gates, Hunt, Smith, Douglass, Little and Fuller—11.

A NEW HAVEN INSTITUTION.

The house voted to amend the charter of the New Haven Co-operative Savings Fund and Loan association as follows:

"Applicants for membership may be required to pay either a membership fee or a premium of such amount as in the opinion of the directors may be desirable for the success of the corporation; and members may be required, by vote of the board of directors, to pay a transfer fee on all transfers of stock, which transfer fee shall not amount to less than fifty cents, nor more than \$1, on any one certificate."

SENATE.

In the senate these bills were passed: Relating to the transportation of parcels by the postoffice, giving certain persons residing in the house of Wilson Sherman the right to vote in Monroe, concerning appeals to the superior court, concerning crimes, concerning the investigation and discovery of crime, concerning the boarding of infants, bill concerning the assessment of taxes, providing for the manner of notice, extending the time of organization of the Milford Land and Cottage company.

Adjourned to Tuesday next at 10:30 a. m.

THE HOUSE.

An unfavorable report was made on the bill concerning support of relatives. The present bill is that children and grand children shall be liable for the support of their grandparents, and vice versa. The new bill provides that brothers shall be liable for the support of brothers and sisters and nephews and nieces if they become poor. The bill was rejected.

The bill legalizing the publishing of notices in Sunday papers was rejected. Representative Cowell said any court would have jurisdiction to say whether certain publications were legal or not.

The bill concerning the inspection of milk, rejected yesterday, was reconsidered. A substitute was introduced providing that the dairy commissioners may employ inspectors of milk and cream at a salary of \$300 each. Inspections to be made under the direction of the dairy commissioners. The bill was tabled.

The bill providing that licenses may be granted to proprietors of places of amusements on Sunday evening, rejected in the senate, was rejected in the house.

The bill creating a criminal side of the common pleas court for Hartford county was rejected in concurrence.

A bill reducing the time of notice in summary process from fifteen to ten days was passed.

The bill providing a punishment for issuing fraudulent railway tickets was passed.

A bill was passed providing for the appointment of receivers when the court is in session.

The resolution incorporating Wallace & Sons of Ansonia was adopted. The capital stock of the corporation shall be \$500,000, with the privilege of increasing the same from time to time as it may see fit, to an amount not to exceed in all \$1,000,000, by a majority vote of the stock of said corporation passed at a meeting of its stockholders. The corporation is authorized to purchase all or any part of the property formerly belonging to the joint stock corporation located in Ansonia, and known as Wallace & Sons, together with the good will and right to use the name of said corporation.

The resolution incorporating the Calvary Industrial Home of New Haven was adopted. The incorporators are E. M. Poter, William H. Douglass, Samuel H. Read, Julia H. Fowler, Mary Morgan, Louisa M. Tuttle, A. J. Harcourt, Edwin S. Swift and Julius Twiss.

The act authorizing the county com-

missioners of the several counties during the first week of July, 1895, and biennially thereafter, to appoint county treasurers for their respective counties, whose term of office shall be for two years, was passed. Whenever a vacancy shall occur in the office of county treasurer the county commissioners shall fill such vacancy for the unexpired term.

Adjourned to next Tuesday at 11:30 a. m.

HERE AND THERE.

Speaker Fessenden to-day announced the appointment of Representative Goodrich to succeed Judge Elmer of the judiciary committee. Judge Elmer is now on the superior court bench. Mr. Goodrich is not a lawyer. He is only a layman on the judiciary committee. He is president of the Hartford Street Railway company.

The committee of representatives of Fairfield and New Haven counties have decided to report a charge of \$500 a year for the permission of the Bridgeport Traction company to cross Washington bridge. Conditions are embodied concerning safeguards, etc.

LEE WILL BE TRIED.

Caruso's Case Will Probably Go Over For Another Term.

State Attorney Doolittle said yesterday in the superior court that he expected to have the Lee trial on Tuesday.

Dr. Lee's counsel, Attorneys Chase and Martin, expressed themselves satisfied with this arrangement, as they had feared Mr. Doolittle would continue the case for another term.

It is probable that Caruso, the murderer of Ralph Del Greco, will not be tried this term, as Lee's case will probably take most of the time.

STRIKE AT UNION CITY.

Six Hundred Men Out of Work.

Union City, April 11.—The employees of the Naugatuck Malleable Iron company to the number of 600 went out on strike this morning for higher wages. They strike for an increase averaging about 10 per cent.

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Is what you pay for goods cheaply made to sell cheap. More money lost that way than ever made in the buying. For Nine Dollars we offer a choice of Men's Suits and Overcoats in Clay Diagonals, Black Cheviots, Fancy Stripes and Cassimeres that compare favorably with any being sold elsewhere for \$12.00. When it comes to the better grades at \$12.00, \$15.00 and \$18.00, the qualities which we are selling at that price will make you wonder why you pay your tailor \$20.00 and \$25.00 for Suits no better. Of course we have a big assortment of Men's Suits at prices from \$4.00 to \$7.50, but our assortment between \$9.00 and \$18.00 is where we lead all others.

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it's house-cleaning time, too—think of that!

Fifteen years ago, he wouldn't have done it.